

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

FEBRUARY 17, 2005

The Marlboro Township Council held a regularly scheduled Council meeting on February 17, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2005; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Mayor Robert Kleinberg, Andy Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

Council Vice President Morelli moved that the minutes of Jan. 6 and January 20, 2005 be approved. This motion was seconded by Council President Pernice and the minutes as amended were passed on a roll call vote of 5 - 0.

Council Vice President Morelli moved that the minutes of December 16, 2004 be approved. This motion was seconded by Council President Pernice and the minutes as amended were passed on a roll call vote of 4 - 0 with Councilman Denkensohn abstaining.

Council President Pernice opened the Public Hearing on Ordinance #2005-2 (Disclosure of Campaign Contributions by Applicants before Zoning and Planning Boards). After the Public Hearing was closed, the following Resolution #2005-78/Ord. #2005-2 (Disclosure of Campaign Contributions by Applicants before Zoning and Planning Boards) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 5 - 0.

RESOLUTION # 2005-78

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-2

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 14 "CODE OF ETHICS" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO REQUIRE CONTRIBUTION DISCLOSURE STATEMENTS AND CONFLICT DISCLOSURE STATEMENTS IN APPLICATIONS FOR MAJOR ZONING VARIANCES, WAIVERS AND EXCEPTIONS

which was introduced on January 20, 2005, public hearing held February 17, 2005, be adopted on second and final reading this 17th day of February, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. #2005-79/Ord. # 2005-4 (Amending Code - Code of Ethics) was introduced by reference as amended, offered by Council President Pernice and seconded by Councilman Denkensohn. Discussion followed Council decided to reinstate the two thousand dollar threshold for reporting of income. After discussion, Res. #2005-79/Ord. # 2005-4 as amended was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-79

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-4 (As Amended)

AN ORDINANCE REPEALING SECTIONS 4-72 THROUGH 4-77 OF CHAPTER 4 "ADMINISTRATION OF GOVERNMENT," ARTICLE X "DEPARTMENT OF LAW" OF THE

CODE OF THE TOWNSHIP OF MARLBORO AND AMENDING AND SUPPLEMENTING
CHAPTER 14 "ETHICS, CODE OF"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 15, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-4 (As Amended)

AN ORDINANCE REPEALING SECTIONS 4-72 THROUGH 4-77 OF CHAPTER 4 "ADMINISTRATION OF GOVERNMENT," ARTICLE X "DEPARTMENT OF LAW" OF THE CODE OF THE TOWNSHIP OF MARLBORO AND AMENDING AND SUPPLEMENTING CHAPTER 14 "ETHICS, CODE OF"

WHEREAS, the Mayor and the Township Council of the Township of Marlboro believe that the vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives; and

WHEREAS, the Local Government Ethics Law, N.J.S.A. 40A:9-22.1, et seq., (the "Ethics Law") establishes the standards of ethical conduct and financial disclosure requirements for local government officials and employees; and

WHEREAS, the Ethics Law authorizes a municipality to establish a municipal ethics board that is charged with the responsibility of enforcing at the local level the Ethics Law; and

WHEREAS, pursuant to Ordinance #1991-35, the Township adopted a Code of Ethics pursuant to the Ethics Law and created the Marlboro Township Ethical Standards Board; and

WHEREAS, said Ordinance was codified as Chapter 14 "Ethics, Code of" of the Code of the Township of Marlboro (the "Ethics Code"); and

WHEREAS, Chapter 4 "Administration of Government," Article X "Department of Law" contains certain provisions which conflict with or duplicate those set forth in the Ethics Code and should be deleted; and

WHEREAS, the Township also desires to amend and supplement the Ethics Code to make certain provisions more restrictive and to clarify certain other provisions.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Sections 4-72 through 4-77 of Chapter 4 "Administration of Government," Article X "Department of Law" are hereby repealed in their entirety; and

BE IT FURTHER ORDAINED, that Chapter 14 "Ethics, Code of" is amended and supplemented as follows:

The following shall be added to Section 14-6 as subsection A(6):

"(6) Any business, financial, social or family relationship he or she or a member of his or her immediate family has ever had with a current member of the Township of Marlboro Planning Board or Zoning Board of Adjustment, the Western Monmouth Utilities Authority or the Marlboro Township Municipal Utilities Authority."

Subsections B, C and D of Section 14-6 shall be amended in their entirety to read as follows:

"B. The New Jersey Local Finance Board's Financial Disclosure Statement, adopted in accordance with the New Jersey Local Government Ethics Law, shall be used for purposes of disclosing the information set forth in subsection A of this Section. To the extent that the New Jersey Local Finance Board's Financial Disclosure Statement does not require the disclosure of certain of the information set forth in subsection A of this Section, an addendum to said statement shall be established by the Marlboro Township Ethical Standards Board which requires the disclosure of such additional information not required by the statement. The Financial Disclosure Statement, together with any addendum to said statement, shall be provided to those officers required to file a financial disclosure statement.

C. The original Financial Disclosure Statement, together with any addendum to said statement, shall be filed on or before April 30 of each year. Persons who become officers following April 30 of any year shall file a Financial Disclosure Statement within thirty (30) days of accepting or being appointed to his or her position.

D. All Financial Disclosure Statements and any addendum filed shall be public records."

Subsection B of Section 14-7 shall be amended in its entirety to read as follows:

"B. The Board shall annually elect a Chairperson from among its membership."

Subsection G of Section 14-12 shall be amended to include the following at the end of the subsection:

"The officer or employee shall have the right to appeal the decision of the Board to the Local Finance Board within the New Jersey Department of Community Affairs. Said appeal shall be filed within thirty (30) days of the date on which the written decision was received by the officer or employee and shall be decided in accordance with the rules and requirements of the Local Finance Board."

Subsection I shall be added to Section 14-12 and shall read as follows:

"I. The officer or employee shall be responsible for the expense of his or her own defense, including legal costs. If the accused officer or employee is ultimately found not to have violated the Ethics Code, the Township shall reimburse him or her for the reasonable costs of his or her defense."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. #2005-80/Ord. # 2005-5 (Amending Chapter 66 - Fire Prevention) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-80

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-5

AN ORDINANCE AMENDING AND SUPPLEMENTING PART II, "GENERAL LEGISLATION," CHAPTER 66 "FIRE PREVENTION" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO MEET THE LEGAL REQUIREMENTS OF THE STATE UNIFORM FIRE CODE

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 15, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-5

AN ORDINANCE AMENDING AND SUPPLEMENTING PART II, "GENERAL LEGISLATION," CHAPTER 66 "FIRE PREVENTION" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO MEET THE LEGAL REQUIREMENTS OF THE STATE UNIFORM FIRE CODE

WHEREAS, the Uniform Fire Safety Act, N.J.S.A. 52:27D-192, *et seq.*, was enacted for the purpose of establishing a system for the enforcement of uniform, minimum fire safety standards throughout the State of New Jersey; and

WHEREAS, the New Jersey Department of Community Affairs has promulgated uniform, minimum fire safety standards, which have been made a part of the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1, *et seq.*; and

WHEREAS, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement of these standards and to establish local enforcement agencies for that purpose; and

WHEREAS, it is in the best interest of the Township of Marlboro to have the Uniform Fire Code enforced locally; and

WHEREAS, the local fire service has agreed to the plan, as set forth herein, for the administration and enforcement of the Uniform Fire Code; and

WHEREAS, the Board of Fire Commissioners, the Fire Prevention Bureau and the fire companies of the Township of Marlboro have requested that the Township Council of the Township of Marlboro compel the installation and utilization of the Rapid Entry Box System within the Township of Marlboro; and

WHEREAS, the purpose of the Rapid Entry Box System is to insure that fire fighters responding to an emergency call at a business or commercial structure within the Township of Marlboro will have instant access to the interior of the structure, thereby avoiding the need for forcible entry; and

WHEREAS, the Division of Fire Safety of the New Jersey Department of Community Affairs, pursuant to a routine monitoring inspection of the Township of Marlboro Fire Prevention Bureau, has recommended certain amendments to the Township of Marlboro Code; and

WHEREAS, the Mayor and the Township Council believe it is in the best interest of the residents of the Township of Marlboro to amend Chapter 66 of the Code of the Township of Marlboro to make certain amendments to the Township of Marlboro Code as recommended by the Division of Fire Safety of the New Jersey Department of Community Affairs, including amendments regarding the Rapid Entry Box System.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 66 "Fire Prevention," Article I "Local Enforcement of State Standards" is amended and supplemented as follows:

The title of Article I shall be changed from "Local Enforcement of State Standards" to "Local Enforcement of the New Jersey Uniform Fire Code."

Section 66-1 is hereby amended and supplemented to read in its entirety as follows:

§ 66-1 Local Enforcement

Pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192, *et seq.*, the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1, *et seq.*, shall be locally enforced in the Township of Marlboro.

Section 66-2 is recodified in its entirety.

Section 66-3 is hereby amended and supplemented to read in its entirety as follows:

§ 66-3 Agency Designation

The local enforcing agency shall be the Township of Marlboro through its Bureau of Fire Prevention, which is hereby created herein. The

Bureau of Fire Prevention shall hereinafter be known as the local enforcement agency.

Section 66-4 is hereby amended and supplemented to read in its entirety as follows:

§ 66-4 Definitions

TOWNSHIP FIRE OFFICIAL - the Fire Official, as defined by the Uniform Fire Code.

TOWNSHIP FIRE INSPECTOR - a person working under the direction of the Township Fire Official who is certified by the Commissioner of the New Jersey Department of Community Affairs and appointed or designated to enforce the New Jersey Uniform Fire Code by the Township of Marlboro Bureau of Fire Prevention.

UNIFORM FIRE CODE - the New Jersey Uniform Fire Code, N.J.A.C. 5:70-1, *et seq.*

UNIFORM FIRE SAFETY ACT - the New Jersey Fire Safety Act, N.J.S.A. 52:27D-192, *et seq.*

Section 66-5 is hereby amended and supplemented to read in its entirety as follows:

§ 66-5 Duties

A. Within the established boundaries of the Township of Marlboro, the Bureau of Fire Prevention shall enforce the Uniform Fire Code in all buildings, structures and premises, other than owner-occupied buildings of less than three dwelling units used exclusively for dwelling purposes and buildings, structures and premises owned or operated by the Federal Government, Interstate agencies or the State of New Jersey.

B. The Bureau of Fire Prevention shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

C. The Township Attorney, as described in Section 4-67, shall assist the Bureau of Fire Prevention in the enforcement of the Uniform Fire Code.

D. The Fire Prevention Bureau shall also be charged with the duties of enforcement of any other ordinances of the Code of the Township of Marlboro which pertain to fire prevention.

Section 66-6 is hereby amended and supplemented to read in its entirety as follows:

§ 66-6 Organization

A. The Bureau of Fire Prevention shall be under the direct supervision and control of the Township Fire Official.

B. The Bureau of Fire Prevention shall have at least one paid Fire Official, one paid secretary, and such paid Fire Inspectors as may be necessary for the proper enforcement of the Uniform Fire Code.

Section 66-7 is hereby amended and supplemented to read in its entirety as follows:

§ 66-7 Appointments, Qualifications, Term of Office, Removal

A. Appointment and Qualification of the Township Fire Official

The Township Fire Official shall be certified by the State of New Jersey and appointed through the applicable laws of State of the New Jersey pursuant to Title 11, Civil Service of the Revised Statutes.

B. Appointment and Qualifications of the Township Fire Inspectors and Other Employees

Fire Inspectors and other employees of the Bureau of Fire Prevention shall be appointed upon the recommendation of the Township Fire Official and through the applicable laws of the New Jersey Department of Personnel pursuant to Title 11, Civil Service of Revised Statutes. All life hazard use inspectors shall be certified by the State of New Jersey.

C. Removal from Office

The Township Fire Official, Township Fire Inspectors and other employees of the Bureau of Fire Prevention shall hold their positions pursuant to Civil Service laws. They shall be removed from their office or position through the applicable laws of the New Jersey Department of Personnel pursuant to the requirements of Title 11, Civil Service of the Revised Statutes. Before removal from their positions or offices, all persons shall be afforded an opportunity to be heard.

Section 66-8 is hereby amended and supplemented to read in its entirety as follows:

§ 66-8 Life Hazard Uses

The Bureau of Fire Prevention shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

Section 66-9 is hereby amended and supplemented to read in its entirety as follows:

§ 66-9 New Jersey Uniform Fire Code Permits

Permits shall be required and obtained from the Bureau of Fire Prevention for the activities specified in N.J.A.C. 5:70-2.7 of the Uniform Fire Code, except where the activities are an integral part in the process or activity of a State registered life hazard use. The permit fees shall be regulated by N.J.A.C. 5:70-2.9(c) of the Uniform Fire Code.

Section 66-10 is hereby amended and supplemented to read in its entirety as follows:

§ 66-10 Board of Appeals

Pursuant to N.J.A.C. 5:70-2.19 of the Uniform Fire Code, any person aggrieved by any action of the Fire Prevention Bureau shall have the right to appeal to the Construction Board of Appeals of Monmouth County.

Section 66-11 is hereby amended and supplemented to read in its entirety as follows:

§ 66-11 Enforcement, Violations and Penalties

Enforcement, violations and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other applicable laws of the State of New Jersey.

Section 66-12 is hereby amended and supplemented to read in its entirety as follows:

§ 66-12 Funding for the Bureau of Fire Prevention

The annual budget for the operations of the Bureau of Fire Prevention shall be established by the Township Fire Official and subject to the approval of the Township Council of the Township of Marlboro. Said salaries and expenses shall be paid from the budget of the Township of Marlboro. The Township Fire Official, subject to the limitations of the state statute, shall make the determination of the annual budget and maintenance revision of personnel policies and procedures. In accordance with N.J.A.C. 5:71-2.6(d), all revenues generated pursuant to the Uniform Fire Safety Act or local implementing ordinance which are collected by or provided to the Township of Marlboro shall be part of the appropriation to the Fire Prevention Bureau for the purpose of enforcing this section of the Code of the Township of Marlboro, operations and advancement of local fire prevention interests.

§ 66-13 Severability and Repealer

In the event that any section of this Article of the Code of the Township of Marlboro is declared to be illegal, unconstitutional or otherwise unenforceable, then the balance of this Article shall not be deemed void but shall remain in full force and effect. Provisions of the Code of the Township of Marlboro that are inconsistent with any section of this Article as herein amended and supplemented are hereby repealed.

Sections 66-14 through 66-16 of Part II, "General Legislation," Chapter 66, "Fire Prevention," Article I, "Local Enforcement of State Standards" are hereby repealed.

Sections 66-17 and 66-18 of Part II, "General Legislation," Chapter 66, "Fire Prevention," Article I, "Local Enforcement of State Standards" are hereby recodified in their entirety under a new Article as Part II, "General Legislation," Chapter 66, "Fire Prevention," Article II, "Township Fire Insurance Claim Requirements," Sections 66-14 and 66-15, respectively.

Section 66-19 of Part II, "General Legislation," Chapter 66, "Fire Prevention," Article I, "Local Enforcement of State Standards" is hereby repealed.

BE IT FURTHER ORDAINED that a new Article III is adopted entitled Part II, "General Legislation," Chapter 66, "Fire Prevention," Article III, "Fire Lane Designations, Maintenance and Enforcement" and shall read as follows:

§ 66-16 Designations

A. The Fire Official may require and designate public and private fire lanes as deemed necessary for the efficient and effective operation of fire apparatus and other emergency equipment.

B. Fire lanes required by the Fire Official shall not conflict with prior approvals issued by the Planning and/or Zoning Boards.

§ 66-17 Identification

Designated fire lanes shall be clearly identified through the use of fire lane signs "No Parking - Fire Lane" and/or reflective yellow painted six inch wide stripping and lettering on a paved surface at ground level as approved by the Fire Official.

§ 66-18 Maintenance

A. Designated fire lanes shall be maintained free of all obstructions and no person shall at any time park a motor vehicle in, or otherwise obstruct, the fire lane in anyway.

B. Fire lane markings shall be maintained clean and legible at all times and replaced when necessary to ensure adequate visibility.

§ 66-19 Enforcement and Penalties

Vehicles parked in clearly identified fire lanes shall be subject to a penalty in the amount of not less than \$50.00 or greater than \$100.00 for each separate offense. The Fire Official will issue a Notice of Violation and Penalty Assessment to the vehicle owner/driver, or place the notice on the windshield of the vehicle if the owner/driver is not available. This penalty must be paid within 30 days after issuance. If

the penalty is not paid within 30 days, this matter will be referred to the Township Attorney for municipal court enforcement and summary collection under the New Jersey Penalty Enforcement Law, N.J.S.A. 2A:58-1, *et seq.*

BE IT FURTHER ORDAINED that Part II, "General Legislation," Chapter 66 "Fire Government", Article II "Fire Control Measures and Regulations" is hereby recodified as Part II, "General Legislation," Chapter 66 "Fire Government", Article IV "Fire Control Measures and Regulations" and is amended and supplemented as follows:

Section 66-20 shall remain unchanged.

Section 66-21 shall be amended and supplemented to replace throughout the term "fire subcode official" with "Fire Chief."

Section 66-22 shall remain unchanged.

Section 66-23 shall be repealed in its entirety.

Section 66-24 shall be recodified as Section 66-23 and shall be amended and supplemented to replace throughout the term "fire subcode official" with "Fire Chief."

Section 66-25 shall be recodified in its entirety as Section 66-24.

Section 66-26 shall be recodified as Section 66-25 and shall be amended and supplemented to replace throughout the term "fire subcode official" with "Fire Chief."

Section 66-27 shall be recodified in its entirety as Section 66-26.

Section 66-28 shall be repealed in its entirety.

Section 66-29 shall be recodified as Section 66-27 and amended and supplemented to read as follows:

§ 66-27 Permit required for use of fire hydrants

A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the water company having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.

Section 66-30 shall be recodified in its entirety as Section 66-28.

Sections 66-31 through 66-33 shall be repealed in their entirety.

Section 66-34 shall be recodified as Section 66-29 and amended and supplemented to read as follows:

§ 66-29 Obstruction of streets

A person or persons shall not erect, construct, place or maintain any speed bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street within the boundaries of the municipality that would in anyway impede the use of emergency equipment. The word "street" as used in this article shall mean any roadway accessible to the public for vehicular traffic, including but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the municipality.

Section 66-35 shall be recodified in its entirety as Section 66-30.

Section 66-36 shall be repealed in its entirety.

BE IT FURTHER ORDAINED that an Article entitled Part II, "General Legislation," Chapter 66, "Fire Prevention," Article V, "Registration and Local Enforcement of the Uniform Fire Code on Non-Life Hazard Use Occupancies" is hereby added as follows:

§ 66-31 Non-Life Hazard Uses

A. In addition to the registrations required by the Uniform Fire Code, the following non-life hazard uses shall be registered by the Fire Prevention Bureau, inspected once per year under the standards established by the Uniform Fire Code and shall pay an annual fee as set forth below:

1. Assembly uses.
 - a. Eating establishment under 50 occupancy - \$75.00.
 - b. Take-out food service (no seating) - \$50.00.
 - c. Recreation center, multi-purpose rooms, etc. with less than occupancy - \$75.00.
 - d. Church or synagogue used for worship services - no charge.
 - e. Volunteer Fire Department and emergency medical services facilities - no charge.
 - f. Municipal activity centers - no charge.
2. Business/Professional Uses
 - a. Business/professional use less than 1,000 square feet - \$35.00.
 - b. Business/professional use more than 1,000 square feet but less than 3,000 - \$75.00.
 - c. Business/professional use more than 3,000 square feet but less than 5,000 square feet - \$100.00.
 - d. Business/professional use more than 5,000 square feet - \$150.00.
3. Retail Uses (Merchantile)
 - a. Retail use less than 1,000 square feet - \$50.00.

- b. Retail use more than 1,000 square feet but less than 3,000 square feet - \$75.00.
- c. Retail use more than 3,000 square feet but less than 5,000 square feet - \$100.00.
- d. Retail use more than 5,000 square feet - \$150.00.

4. Manufacturing Uses (Non-Life Hazard Use)

- a. Manufacturing use less than 3,000 square feet - \$100.00.
- b. Manufacturing use more than 3,000 square feet but less than 6,000 square feet - \$150.00.
- c. Manufacturing use more than 6,000 square feet but less than 12,000 square feet - \$200.00.

5. Storage Uses

- a. Storage use less than 1,000 square feet - \$50.00.
- b. Storage use more than 1,000 square feet but less than 3,000 square feet - \$100.00.
- c. Storage use more than 3,000 square feet but less than 6,000 square feet - \$150.00.
- d. Storage use more than 6,000 square feet but less than 12,000 square feet - \$200.00.

- B. Uses that are not classified in Section A, above that are subject to the Uniform Fire Code shall be classified as a business use.
- C. Uses required to be registered with the State of New Jersey as a Life Hazard Use shall not be required to register under this Section.
- D. Vacant buildings that require an annual inspection due to fire protection systems or require inspections due to reported fire hazards shall be registered as a landlord use and shall be charged a fee of \$50.00 per inspection.
- E. An owner of commercial multiple occupancy building or complex, which requires a common area inspection, shall be registered as a landlord and shall pay an annual fee of \$50.00 per building.

§ 66-32 Penalties

Failure to pay the required annual non-life hazard use registration fee(s) within the time frame indicated on an order to do so will cause a penalty to be imposed in an amount equal to double the fee(s), but not less than \$100.00 or more than \$500.00. These penalties will be in addition to non-life hazard use fee(s) due and must be paid within 30 days after issuance of an Order to Abate Violation and Pay Penalty. If the total fee(s) and penalties are not paid within the 30 days in the Order, the matter will be referred to the Township Attorney for summary collection under the New Jersey Penalty Enforcement Law, N.J.S.A. 2A:58-1, et seq. and enforcement of this Section.

§ 66-33 Severability and Repealer

In the event that any section of this Article II, Registration and Local Enforcement of the Uniform Fire Code on Non-Life Hazard Use Occupancies, is declared to be illegal, unconstitutional or otherwise unenforceable, then the remainder of Article II shall not be deemed void but shall remain in full force and effect. Any section of the Code of the Township of Marlboro that is inconsistent with any section of Article II is hereby repealed.

BE IT FURTHER ORDAINED, that an Article entitled Part II, "General Legislation," Chapter 66 "Fire Government", Article VI "Required Installation of a Rapid Entry Box System" is hereby added as follows:

§ 66-34 Purpose

The Mayor and Township Council of the Township of Marlboro find that in order to protect the property and welfare of businesses, business patrons and fire company members within the Township of Marlboro, a uniform system for rapid entry into certain buildings in the event of a report of a fire emergency is required.

§ 66-35 Definitions and Applicability

- A. Definitions. A Rapid Entry Box System shall mean a locking, vault-like container permanently mounted into the affected structure or building and accessible from outside of such structure or building, which, unless otherwise approved by the Fire Official, must be supplied by the Knox Company. The Rapid Entry Box will contain a key(s) that will allow for full entrance into all parts of the structure or building.
- B. Applicability. The following structures or buildings in the Township of Marlboro shall be required to have installed a Rapid Entry Box System:
 - 1. All commercial buildings or structures which utilize a fire alarm system or fire alarm devices that sends a fire alarm signal either to a local alarm or a monitoring service.
 - 2. All commercial buildings or structures that are protected by a sprinkler system.
 - 3. Exemption: Any buildings or structure staffed 24 hours a day, seven days a week.

§ 66-36 Type of Rapid Entry Box Required

Each affected building or structure shall cause an appropriate Rapid Entry Box to be mounted permanently into the structure or building and accessible from outside the structure or building. Each Rapid Entry Box shall be of sufficient size and configuration to allow the required

contents as set forth in this Article to be stored therein conveniently. In order to assure acceptability of the Rapid Entry Box chosen, each owner, tenant or other responsible party of each affected structure or building shall receive approval from the Fire Official as to the size and configuration of the proposed Rapid Entry Box.

§ 66-37 Location of Rapid Entry Box

The Rapid Entry Box must be located on the outside of the building or structure and must be, to the extent possible, uniform among similar type structures in order to promote quick accessibility upon the arrival of fire personnel at the scene of an emergency. Given differing structural characteristics of different types of structures and buildings, the location of the Rapid Entry Box on the exterior of each building or structure shall be submitted to and approved by the Fire Official.

§ 66-38 Required Contents of the Rapid Entry Box

The Rapid Entry Box for each building or structure shall contain a separately and clearly labeled key for each locked area within the building or structure (for example, and not by way of limitation, boiler rooms, electrical rooms, sprinkler control rooms, elevator control rooms, etc.), the building plan of any structure of building in excess of 30,000 square feet, sprinkler keys, and information concerning any hazardous materials contained within the building or structure, and a clear indication as to the part of the building or structure within which such hazardous materials are contained.

§ 66-39 Master Key Security

As used herein, "master key" shall mean the instrument to gain access to the various Rapid Entry System boxes to be used as a result of the provisions of this Article. The fire department shall establish a system of security and procedure to limit access to any master key(s) to authorized personnel in times of emergency. The fire department shall, to the extent feasible and practical, use the latest technological advances to preserve and enhance the security of the master key(s).

§ 66-40 Penalties for Noncompliance

Failure to install the required Rapid Entry Box system within the time frame indicated on a Notice of Violation and Order to Correct issued by the Fire Official shall cause a penalty to be imposed in the amount of \$500.00. This penalty must be paid within 30 days after issuance of an Order to Abate Violation and Pay Penalty. If the Rapid Entry Box system is not installed and the penalty is not paid within the 30 days, this matter will be referred to the Township Attorney for municipal court enforcement of the municipal ordinance and summary collection under the New Jersey Penalty Enforcement Law, N.J.S.A. 2A:58-1, *et seq.*

§ 66-41 Severability and Repealer

In the event that any section of this Article is declared illegal, unconstitutional or otherwise unenforceable, then the balance of the Article shall not be deemed void but shall remain in full force and effect. Provisions of the Code of the Township of Marlboro that are inconsistent with any section of this Article as herein amended and supplemented are hereby repealed.

BE IT FURTHER ORDAINED, that Part II, "General Legislation," Chapter 66 "Fire Government", Article III, "Fire Department," Section 66-40 through 66-47 are hereby recodified as Part II, "General Legislation," Chapter 66, "Fire Prevention," Article VII, "Fire Department," Sections 66-42 through 66-49 and all Sections shall remain unchanged except as follows:

The newly codified Section 66-49 shall remain unchanged except subsection B(3) shall be deleted in its entirety and subsection B(4) shall be recodified as B(3).

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution/Ordinances were introduced by reference, offered by Council President Pernice, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor: Res. #2005-81/Ord. # 2005-6 (Establishing Speed Limit - Willow Lane), Res. #2005-83/Ord. # 2005-8 (Establishing Speed Limit - Buckley Road), Res. #2005-85/Ord. # 2005-10 (Establishing Speed Limits - Falson Lane & Ryan Road).

RESOLUTION # 2005-81

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-6

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR WILLOW LANE,
TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE WITH
N.J.S.A. 39:4-98

be introduced and passed on first reading and that the same be
advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for
final passage on March 15, 2005 at 8:00 p.m. at the Marlboro
Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at
which time all persons interested will be given an opportunity to be
heard concerning said ordinance.

ORDINANCE # 2005-6

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR WILLOW LANE,
TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE
WITH N.J.S.A. 39:4-98

WHEREAS, the New Jersey Department of Transportation conducted
an engineering and traffic investigation to establish a Speed Limit
along Willow Lane in the Township of Marlboro, New Jersey; and

WHEREAS, in accordance with N.J.S.A. 39:4-98, the New Jersey
Department of Transportation recommends that a Speed Limit of 35
M.P.H. be established for certain portions of Willow Lane.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township
Council of the Township of Marlboro, County of Monmouth and State of
New Jersey that Chapter 138 "Vehicles and Traffic", Article XIV
"Schedules", Section 138-55 "Schedule XVIII: Speed Limits" of the
Code of the Township of Marlboro is hereby amended and supplemented
to include the following Speed Limit for Willow Lane:

<u>Name of Street</u>	<u>Speed Limit (M.P.H.)</u>	<u>Location</u>
Willow Lane	35	Between Union Hill Road and State Highway Route 9 North

BE IT FURTHER ORDAINED, that all signs, posts, or other
necessary materials, including the appropriate curve symbol warning
signs as outlined by the New Jersey Department of Transportation,

shall be installed in conformance with the current Manual on Uniform Traffic Control Devices pursuant to N.J.S.A. 39:4-198.

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

RESOLUTION # 2005-83

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-8__

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR BUCKLEY ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 15, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-8

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR BUCKLEY ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

WHEREAS, the New Jersey Department of Transportation conducted an engineering and traffic investigation to establish a Speed Limit along Buckley Road in the Township of Marlboro, New Jersey; and

WHEREAS, in accordance with N.J.S.A. 39:4-98, the New Jersey Department of Transportation recommends that a Speed Limit of 40 M.P.H. be established for certain portions of Buckley Road.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 138 "Vehicles and Traffic", Article XIV "Schedules", Section 138-55 "Schedule XVIII: Speed Limits" of the Code of the Township of Marlboro is hereby amended and supplemented to include the following Speed Limit for Buckley Road:

<u>Name of Street</u>	<u>Speed Limit (M.P.H.)</u>	<u>Location</u>
Buckley Road	40	Between School Road East and Dutch Lane

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials, including the appropriate curve symbol warning signs as outlined by the New Jersey Department of Transportation, shall be installed in conformance with the current Manual on Uniform Traffic Control Devices pursuant to N.J.S.A. 39:4-198.

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

RESOLUTION # 2005-85

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-10

AN ORDINANCE CONFIRMING THE SPEED LIMITS FOR
FALSON LANE AND RYAN ROAD, TOWNSHIP OF MARLBORO,
NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 15, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-10

AN ORDINANCE CONFIRMING THE SPEED LIMITS FOR
FALSON LANE AND RYAN ROAD, TOWNSHIP OF MARLBORO,
NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

WHEREAS, the New Jersey Department of Transportation conducted engineering and traffic investigations to establish Speed Limits along Falson Lane and Ryan Road in the Township of Marlboro, New Jersey; and

WHEREAS, the New Jersey Department of Transportation confirmed that the statutory speed limit of 35 M.P.H. established by N.J.S.A. 39:4-98 is applicable to both Falson Lane and Ryan Road.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 138 "Vehicles and Traffic", Article XIV "Schedules", Section 138-55 "Schedule XVIII: Speed Limits" of the Code of the Township of Marlboro is hereby amended and supplemented to include the following Speed Limits for Falson Lane and Ryan Road:

<u>Name of Street</u>	<u>Speed Limit (M.P.H.)</u>	<u>Location</u>
Falson Lane	35	Entire Length
Ryan Road	35	Entire Length

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials shall be installed in conformance with the current Manual on Uniform Traffic Control Devices pursuant to N.J.S.A. 39:4-198.

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

The following Res. #2005-82/Ord. # 2005-7 (Establishing Speed Limits - Conover Road) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-82

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-7

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR CONOVER ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 15, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-7

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR CONOVER ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

WHEREAS, the New Jersey Department of Transportation conducted an engineering and traffic investigation to establish a Speed Limit along Conover Road in the Township of Marlboro, New Jersey; and

WHEREAS, in accordance with N.J.S.A. 39:4-98, the New Jersey Department of Transportation recommends that a Speed Limit of 50 M.P.H. be established for Conover Road.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 138 "Vehicles and Traffic", Article XIV "Schedules", Section 138-55 "Schedule XVIII: Speed Limits" of the Code of the Township of Marlboro is hereby amended and supplemented to include the following Speed Limit for Conover Road:

<u>Name of Street</u>	<u>Speed Limit (M.P.H.)</u>	<u>Location</u>
Conover Road	50	Entire Length

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials, including the appropriate curve symbol warning signs as outlined by the New Jersey Department of Transportation, shall be installed in conformance with the current Manual on Uniform Traffic Control Devices pursuant to N.J.S.A. 39:4-198.

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

The following Res. #2005-84/Ord. # 2005-9 (Traffic Regulations - Kensington Gate) was introduced by reference, offered by Council President Pernice, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-84

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-9

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO KENSINGTON GATE DEVELOPMENT AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 15, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-9

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO KENSINGTON GATE DEVELOPMENT AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

WHEREAS, by Ordinance #2004-22, the Township of Marlboro made Subtitle One of Title 39 of the revised statutes of New Jersey applicable to the semi-public roads, streets, driveways and parking lots at Huxley Court located in the Kensington Gate Development; and

WHEREAS, the Township of Marlboro now desires to make said statutory provisions applicable to additional streets located in the Kensington Gate Development.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, that John E. Towle, Vice President, Centex Homes, LLC has filed a written consent with the Township of Marlboro that the provisions of Subtitle One of Title 39 of the revised statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking lots at Kensington Gate located in the Township of Marlboro, County of Monmouth and the following regulations shall be enforceable to said roads, streets, driveways and parking lots, thereby amending and supplementing Chapter 138 "Vehicles and Traffic" of the Code of the Township of Marlboro:

REGULATIONS:

1. General Parking:

A. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except in areas covered by other parking restrictions.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
LeCarre Drive	Both	All	As indicated on Site Plan
Milton Court	East	All	As indicated on Site Plan
Austen Court	North	All	As indicated on Site Plan
Blake Drive	North	All	As indicated on Site Plan
Coleridge Drive	North	All	As indicated on Site Plan

2. Through Streets and Stop Intersections:

A. Through Streets:

The following streets or parts of streets are hereby designated as Through Streets. Stop signs shall be installed on the near right side of each street intersecting the Through Street except where Yield signs are provided for in the designation.

<u>Name of Street</u>	<u>Limits</u>
Coleridge Drive	Entire Length

B. Stop Intersections:

The following described intersections are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

<u>Intersection</u>	<u>Stop Sign(s) on:</u>
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3. Speed Limits:

A. The speed limit for both directions of travel on the following roadways are:

<u>Name of Roadway</u>	<u>M.P.H.</u>	<u>Limits</u>
All Roads	25	Entire Length

B. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

4. Tow-Away Zones:

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owners or operators expense.

5. Mid-Block Crosswalks:

The following locations shall be established as Mid-Block Crosswalks:

<u>Name of Street</u>	<u>Location</u>
Huxley Court	Beginning at a point 630 feet north of the northerly curb line of Coleridge Drive and extending to a point ten (10) feet northerly therefrom.

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials be installed and paid for by the applicant. All signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

BE IT FURTHER ORDAINED, that unless another penalty is expressly provided for by the New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than (\$50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

BE IT FURTHER ORDAINED, that if any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

The following Res. #2005-86/Ord. # 2005-11 (2004-5 Salary Ordinance - Officers and Employees) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-86

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-11

ORDINANCE FIXING THE SALARIES OF THE OFFICERS AND
EMPLOYEES OF THE TOWNSHIP OF MARLBORO 2004/2005

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 15, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-11

ORDINANCE FIXING THE SALARIES OF THE OFFICERS AND
EMPLOYEES OF THE TOWNSHIP OF MARLBORO 2004/2005

BE IT ORDAINED by the Township Council of the Township of Marlboro, County of Monmouth, as follows:

SECTION 1. The salaries of the hereinafter designated Township officers and employees in accordance with Schedule "A" are attached hereto.

SECTION 2. All officers and employees having a fixed salary of less than \$5,000.00 per annum shall be paid monthly. All other officials and employees shall be paid semi-monthly.

SECTION 3 All salaries and wages earned herein shall be retroactive from January 2005, unless otherwise designated.

SECTION 4. All salaries shall be in lieu of fees, which shall be paid to the order of Marlboro Township and no officer or employee shall be entitled to the receipt of any fees over and above the salary herein designated.

SECTION 5. All provisions of any contract between the Township of Marlboro and bargaining units shall be incorporated herein as though set forth in full. Those provisions include but are not limited to longevity, schooling and overtime.

SECTION 6. All full time employees who have been continuously employed by the Township for more than five years in classified or exempt positions shall receive a longevity increment of 2.5 percent of annual salary. Thereafter, for each additional period of five (5) years of continuous service in the municipality an employee shall receive a longevity increment of an additional 2.5 percent of annual salary. In no event, may the total longevity increment exceed 12.5 percent for more than twenty-four (24) years of service. The longevity provision contained in this section shall not apply to any employee who entered the service of the municipality on or after January 1, 1976.

SECTION 7. The following longevity provision shall apply to all full-time white collar workers, full-time communication workers as well as all other full-time municipal employees not covered by Section 6 of the ordinance: each employee shall receive an annual noncumulative longevity payment outside of base salary, effective upon entry to the next level of earning, as follows:

<u>YEARS OF SERVICE</u>	<u>IN ADDITION TO ANNUAL PAY</u>
After five (5) years of service through ten (10) years of service	\$1,000.00
Commencing with eleven (11) years of service through fifteen (15) years of service	\$1,500.00
Commencing with sixteen (16) years of service through twenty (20) years of service	\$2,000.00
Commencing with twenty-one years of service	\$2,500.00

SECTION 8. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 9. This Ordinance shall take effect upon passage and publication as required by law.

Mayor	4,800.00
Councilperson	3,600.00
Business Administrator	85,000.00 - 120,000.00
Municipal Clerk	77,500.00 - 85,000.00
Deputy Municipal Clerk	45,000.00 - 50,000.00
Chief Financial Officer	78,000.00 - 85,000.00
Finance Director	2,500.00 - 5,000.00
Tax Collector	82,000.00 - 90,000.00
Tax Assessor	82,000.00 - 90,000.00
Municipal Presiding Judge	27,000.00 - 29,000.00
Municipal Judge	25,000.00 - 26,500.00
Township Engineer	110,807.00
Court Administrator	64,000.00 - 69,000.00
Director of Public Works	99,800.00 - 106,000.00
Superintendent of Recreation	83,600.00 - 89,000.00
Chief of Police	107,000.00 - 113,500.00
Director of Public Information	56,900.00 - 59,100.00

The following Resolution # 2005-87 (Confirming Appointment Director of Community Relations - Bonnie Lo) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-87

RESOLUTION CONFIRMING THE APPOINTMENT OF
BONNIE LO AS THE DIRECTOR OF COMMUNITY RELATIONS

WHEREAS, the Mayor has advised the Township Council of his intention to appoint BONNIE LO as the Director of Community Relations for the Township of Marlboro subject to the advice and consent of the Township Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of Bonnie Lo as the Director of Community Relations for the Township of Marlboro.

Motion to table Resolution # 2005-88 (Appointment to Zoning Board - Alternate #1 - two-year term - Michael Stern) was offered by Councilman Mione, seconded by Councilman Denkensohn and defeated on a roll call vote of 2 - 3 with Councilman Cantor, Council Vice President Morelli and Council President Pernice voting no. The following Resolution # 2005-88

(Appointment to Zoning Board - Alternate #1 - two-year term - Michael Stern) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 1 in favor, with Councilman Denkensohn voting no.

RESOLUTION # 2005-88

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBER

WHEREAS, the Marlboro Township Zoning Board of Adjustment was created pursuant to N.J.S.A. 40: 55D-69 and Section 84-8 of the "Code of the Township of Marlboro, New Jersey" which provide that the members thereof shall be appointed by the governing body; and

WHEREAS, the Township Council wishes to appoint MICHAEL STERN as a member of the Zoning Board of Adjustment, as Alternate #1, for a two-year term, such term to expire December 31, 2006.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

That it hereby appoints MICHAEL STERN to serve as member of the Marlboro Township Zoning Board of Adjustment in the position specified above, and for the term indicated above.

The following Resolution # 2005-89 (Authorizing 2005 Mosquito Spraying Program) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-89

BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it does hereby authorize the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control mosquitoes over portions of the Township of Marlboro.

We understand that all pesticides used are approved for aerial application by the State and Federal governments.

It is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor.

This approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department prior to each and every application.

The following Resolution # 2005-70 (Carried from mtg. 2/3) Supporting Western Monmouth Development Plan) was introduced by reference, offered by Council President Pernice, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-70

RESOLUTION IN SUPPORT OF THE
ROUTE 9/WESTERN MONMOUTH DEVELOPMENT PLAN

WHEREAS, the Western Monmouth region of Monmouth County consisting of the municipalities of the Borough of Englishtown, the Borough of Farmingdale, the Borough of Freehold, the Township of Freehold, the Township of Howell, the Township of Manalapan, and the Township of Marlboro has undergone tremendous land development and population and employment growth; and

WHEREAS, this growth and development has contributed to traffic congestion, loss of open space and other quality of life issues; and

WHEREAS, the Monmouth County Planning Board, with the support of the Western Monmouth municipalities, applied for and was awarded a Smart Growth Grant from the New Jersey Department of Community Affairs to conduct a comprehensive planning study of the Western Monmouth region; and

WHEREAS, the Route 9/Western Monmouth Development Plan is complete and provides recommendations on growth initiatives, preservation strategies, transportation improvements and design guidelines; and

WHEREAS, the Township of Marlboro participated directly in the study as a member of the Route 9/Western Monmouth Collaborative and provided its municipal vision and contributed to the regional vision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Township Council of the Township of Marlboro hereby support the Route 9/Western Monmouth Development Plan and encourage the Monmouth County Planning Board to adopt the Plan as an element of the Monmouth County Growth Management Guide.

BE IT FURTHER RESOLVED, that the Mayor and the Township Council of the Township of Marlboro support the submission of the adopted Route 9/Western Monmouth Development Plan to the New Jersey State Planning Commission for Plan Endorsement.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Monmouth County Planning Board
- b. Business Administrator
- c. Gluck Walrath, LLP

The following Resolutions were introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor: Resolution # 2005-90 (Authorizing Contract - CWA (Blue Collar Unit), Resolution # 2005-91 (Authorizing Contract - CWA (White Collar Unit), Resolution # 2005-92 (Authorizing Contract - CWA (Dispatcher/Police Clerical Unit).

RESOLUTION # 2005-90

RESOLUTION AUTHORIZING THE EXECUTION OF A
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP
OF MARLBORO AND CWA LOCAL #1044 (BLUE COLLAR)

WHEREAS, the Township of Marlboro and CWA Local # 1044 (Blue Collar) have reached an agreement with respect to a successor Collective Bargaining Agreement for the term January 1, 2004 through December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Mayor is authorized to execute and the Township Clerk is authorized to attest to the Collective Bargaining Agreement between the Township of Marlboro and CWA Local # 1044 (Blue Collar) in accordance with the Memorandum of Agreement on file in the Township Administrator's Office; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Judith Tiernan, Business Administrator;
- b. Ulrich Steinberg, Chief Financial Officer;
- c. Marlboro Township CWA; and
- d. Gluck Walrath, LLP, Township Attorneys.

RESOLUTION # 2005-91

RESOLUTION AUTHORIZING THE EXECUTION OF A
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP
OF MARLBORO AND CWA LOCAL #1044 (WHITE COLLAR)

WHEREAS, the Township of Marlboro and CWA Local # 1044 (White Collar) have reached an agreement with respect to a successor Collective Bargaining Agreement for the term January 1, 2004 through December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Mayor is authorized to execute and the Township Clerk is authorized to attest to the Collective Bargaining Agreement between the Township of Marlboro and CWA Local # 1044 (White Collar) in accordance with the Memorandum of Agreement on file in the Township Administrator's Office; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Judith Tiernan, Business Administrator;
- b. Ulrich Steinberg, Chief Financial Officer;
- c. Marlboro Township CWA; and
- d. Gluck Walrath, LLP, Township Attorneys.

RESOLUTION # 2005-92

RESOLUTION AUTHORIZING THE EXECUTION OF A
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE
TOWNSHIP OF MARLBORO AND CWA LOCAL #1044
(DISPATCHER/POLICE CLERICAL UNIT)

WHEREAS, the Township of Marlboro and CWA Local # 1044 (Dispatcher/Police Clerical Unit) have reached an agreement with respect to a successor Collective Bargaining Agreement for the term January 1, 2004 through December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Mayor is authorized to execute and the Township Clerk is authorized to attest to the Collective Bargaining Agreement between the Township of Marlboro and CWA Local # 1044 (Dispatcher/Police Clerical Unit) in accordance with the Memorandum of Agreement on file in the Township Administrator's Office; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Judith Tiernan, Business Administrator;
- b. Ulrich Steinberg, Chief Financial Officer;
- c. Marlboro Township CWA; and
- d. Gluck Walrath, LLP, Township Attorneys.

The following Resolution # 2005-93 (Temporary Emergency Appropriation) was introduced by reference, offered by Councilman Cantor, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-93

EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation in anticipation of the adoption of the 2005 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2004 appropriations with the exception of debt service and seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2005 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total; \$14,636,084.50 for the municipal budget and \$526,937.31 for the operations of the swim utility;

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation has been provided for in the CY 2005 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

	Budget Appropriation	Temporary Emergency Appropriation
<u>Appropriations</u>		
Administration		
Salary & Wages	204,958.00	102,500.00
Other Expenses	49,850.00	22,500.00
Office of the Mayor		
Salary & Wages	47,300.00	23,650.00
Other Expenses	5,700.00	2,850.00
Township Council		
Salary & Wages	18,000.00	9,000.00
Other Expenses	18,000.00	9,000.00
Public Information		
Salary & Wages	134,947.00	50,000.00
Other Expenses	33,600.00	18,000.00
Municipal Clerk		
Salary & Wages	161,281.00	80,000.00
Other Expenses	61,200.00	40,000.00
Finance		
Salary & Wages	233,361.00	117,500.00
Other Expenses	30,500.00	15,250.00
Central Computer Services		
Salary & Wages	28,540.00	14,500.00
Other Expenses	27,345.00	15,000.00
Tax Collector		
Salary & Wages	200,905.00	100,500.00
Other Expenses	32,000.00	16,000.00
Tax Assessor		
Salary & Wages	168,339.00	85,000.00
Other Expenses	87,700.00	40,000.00
Legal Services		
Other Expenses	500,000.00	250,000.00

Engineering Services		
Salary & Wages	303,129.00	125,000.00
Other Expenses	78,200.00	39,100.00
Economic Development		
Salary & Wages	200.00	100.00
Other Expenses	1,000.00	500.00
Community Relations		
Other Expenses	200.00	100.00
Inter- Governmental Relations		
Other Expenses	3,000.00	1,500.00
Commuter Affairs		
Other Expenses	5,000.00	0.00
Historic Sites Commission		
Other Expenses	4,500.00	2,250.00
Planning Board		
Salary & Wages	91,253.00	45,000.00
Other Expenses	69,400.00	34,700.00
Planning Board Contractual		
Other Expenses	43,380.00	20,000.00
Zoning Board		
Salary & Wages	107,475.00	54,000.00
Other Expenses	45,450.00	22,725.00
Unemployment Insurance	20,000.00	0.00
Police		
Salary & Wages	6,077,652.00	3,025,000.00
Other Expenses	297,000.00	140,000.00
Crime Prevention		
Other Expenses	30,835.00	15,000.00
DARE Program		
Other Expenses	23,500.00	11,750.00
Highway Safety		

Other Expenses	29,900.00	15,000.00
Emergency Management		
Salary & Wages	30,373.00	10,000.00
Other Expenses	8,850.00	4,425.00
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	114,464.00	57,500.00
Other Expenses	15,200.00	7,600.00
Municipal Prosecutors Office		
Salary & Wages	37,596.00	19,000.00
Streets and Road Maint		
Salary & Wages	1,209,455.00	605,000.00
Other Expenses	57,380.00	28,000.00
Snow Removal		
Salary & Wages	30,000.00	30,000.00
Other Expenses	224,800.00	220,000.00
Public Works - Other		
Salary & Wages	319,789.00	160,000.00
Other Expenses	54,470.00	27,500.00
Shade Tree Commission		
Salary & Wages	2,000.00	1,000.00
Other Expenses	6,000.00	3,000.00
Solid Waste Collection		
Salary & Wages	24,000.00	12,000.00
Other Expenses	524,700.00	262,500.00
Buildings & Grounds		
Salary & Wages	479,137.00	240,000.00
Other Expenses	138,520.00	70,000.00
Vehicle Maintenance		
Salary & Wages	477,662.00	240,000.00
Other Expenses	98,800.00	50,000.00

Community Services Act		
Other Expenses	65,000.00	0.00
Public Health Services - Registrar		
Salary & Wages	6,500.00	3,250.00
Other Expenses	1,400.00	700.00
Drug Abuse Control		
Salary & Wages	7,000.00	3,500.00
Other Expenses	11,550.00	5,775.00
Environmental Health Services		
Other Expenses	8,000.00	4,000.00
Animal Control Services		
Other Expenses	40,000.00	20,000.00
Recreation		
Salary & Wages	405,030.00	203,000.00
Other Expenses	127,600.00	63,800.00
Teen Program		
Salary & Wages	7,000.00	3,500.00
Other Expenses	10,000.00	5,000.00
Summer Youth Activities		
Salary & Wages	7,000.00	3,500.00
Other Expenses	7,000.00	3,500.00
Park Maintenance		
Salary & Wages	445,744.00	200,000.00
Other Expenses	47,220.00	23,750.00
Municipal Library		
Other Expenses	17,000.00	8,500.00
Postage		
Other Expenses	50,000.00	25,000.00
Electricity	264,000.00	132,000.00
Street Lighting	532,800.00	266,400.00
Telephone	120,000.00	60,000.00

Water	13,000.00	6,500.00
Natural Gas	60,000.00	40,000.00
Sewer	7,000.00	3,500.00
Gasoline	176,000.00	88,000.00
Landfill Disposal Costs	303,200.00	150,000.00
FICA	921,663.00	475,000.00
Municipal Court		
Salary & Wages	287,176.00	145,000.00
Other Expenses	106,705.00	54,000.00
Public Defender		
Salary & Wages	16,224.00	8,125.00
Liability Insurance	359,429.00	717,000.00
Workers Comp	340,000.00	170,000.00
Group Insurance	1,879,033.44	1,100,000.00
Affordable Housing		
Salary & Wages	9,000.00	4,500.00
Other Expenses	4,700.00	2,350.00
Police Dispatch 911		
Salary & Wages	585,983.00	295,000.00
Other Expenses	154,633.00	155,000.00
LOSAP		
Other Expenses	60,000.00	30,000.00
Emergency Response		
Salary & Wages	30,000.00	15,000.00
Other Expenses	42,400.00	21,200.00
Recreational Opportunities Grant		
Other Expenses	0.00	7,000.00

Marlboro Drug Alliance Other Expenses		22,000.00
Library County Contract Other Expenses	30,000.00	15,000.00
SFSP Fire District Payments Other Expenses	14,229.00	7,250.00
Contribution to PERS		55,000.00
Contribution to Police & Fire Retirement		315,000.00
Capital Improvement Fund Other Expenses	135,000.00	25,000.00
Bond Principal	1,564,000.00	1,647,000.00
Bond Anticipation Notes	0.00	0.00
Bond Interest	911,363.00	860,710.00
Note Interest	0.00	88,540.00
Green Acres Trust - P & I	28,858.00	28,864.50
Capital Lease program Principal	438,948.00	368,500.00
Interest	100,234.00	70,370.00
Totals	23,946,418.44	14,636,084.50

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Swim Utility

	2004 Operating Budget	2005 Budget
Appropriations		
Salary & Wages	343,000.00	171,500.00
Other Expenses	278,410.62	139,205.31

Capital Outlay	382,655.00	191,327.50
Payment of Bond Principal	10,000.00	10,000.00
Payment of Bond Anticipation Notes		
Payment of Bond Interest	2,434.38	1,187.50
Payment of Note Principal		
Public Employees Retirement System	0.00	0.00
FICA	25,934.00	12,967.00
Unemployment	1,500.00	750.00
Fund Totals	1,043,934.00	526,937.31

The following Resolution # 2005-94 (Authorizing Professional Services Contract CME - Route 79 & School Road East Access Permit) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-94

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING SERVICES IN CONNECTION WITH THE PREPARATION OF A NEW JERSEY DEPARTMENT OF TRANSPORTATION MAJOR ACCESS PERMIT APPLICATION FOR THE SCHOOL ROAD EAST AND STATE HIGHWAY ROUTE 79 PROJECT

WHEREAS, the Township of Marlboro is in need of professional engineering services in connection with the preparation of a New Jersey Department of Transportation Major Access Permit application for the School Road East and State Highway Route 79 project; and

WHEREAS, CME Associates has submitted a proposal dated January 11, 2005 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$36,000.00 (not including any required permit application fees); and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire CME Associates to provide the required professional engineering services; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro for the provision of professional engineering services in connection with the preparation of a New Jersey Department of Transportation Major Access Permit application for the School Road East and State Highway Route 79 project in an amount not to exceed \$36,000.00 (not including any required permit application fees); and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2005-95 (Authorizing Professional Services Contract - Birdsall Engineering - Station Road Design/Permit, Union Hill Construction Administration, Hobart St./Willis Street Final Design, Wyncrest Rd./Route 79/Pleasant Valley Rd. intersection feasibility study) was introduced by reference, offered by Councilman Mione, seconded

by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-95

A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES CONTRACTS BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING SERVICES IN CONNECTION WITH VARIOUS ROADWAY IMPROVEMENT PROJECTS

WHEREAS, the Township of Marlboro is in need of professional engineering services in connection with the following roadway improvement projects (collectively, the "Projects"):

1. Provision of engineering design services for roadway improvements to Station Road, from Crine Road to Route 79;
2. Administration, inspection and coordination of the Union Hill Road improvements between Route 9 and the Manalapan border;
3. Provision of engineering design services for the Hobart Avenue/Willis Street drainage improvements and resurfacing; and
4. Preparation of a feasibility study of the Wyncrest Road/Route 79/Pleasant Valley Road intersection; and

WHEREAS, Birdsall Engineering, Inc. has submitted the following proposals (collectively, the "Proposals") to the Township of Marlboro to provide the aforementioned professional services for the Projects:

1. Proposal dated May 19, 2004 to provide engineering design services for roadway improvements to Station Road for an amount not to exceed \$65,000.00;
2. Proposal dated January 10, 2005 for the administration, inspection and coordination of the Union Hill Road improvements for an amount not to exceed \$12,500.00;
3. Proposal dated January 10, 2005 to provide engineering design services for the Hobart Avenue/Willis Street drainage improvements and resurfacing for an amount not to exceed \$4,970.00; and

4. Proposal dated January 10, 2005 for the preparation of a feasibility study of the Wyncrest Road/Route 79/Pleasant Valley Road intersection for an amount not to exceed \$9,950.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services for the Projects in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute contracts, in forms legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services for the Projects in accordance with the Proposals; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2005-96 (Authorizing Professional Services Contract - Arcari/Iovino Architects - Feasibility Study Expansion Police Dept.) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-96

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES
CONTRACT BETWEEN ARCARI & IOVINO ARCHITECTS, P.C. AND THE TOWNSHIP
OF MARLBORO FOR THE PROVISION OF ARCHITECTURAL SERVICES IN
CONNECTION WITH THE POTENTIAL EXPANSION OF THE
TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro is in need of professional architectural services in connection with the potential expansion of the Township of Marlboro Police Department; and

WHEREAS, Arcari & Iovino Architects, P.C. submitted a proposal dated January 27, 2005 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$10,500.00 plus expenses for printing and shipping; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Arcari & Iovino Architects, P.C. to provide professional architectural services in connection with the potential expansion of the Township of Marlboro Police Department; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Arcari & Iovino Architects, P.C. and the Township of Marlboro for the provision of professional architectural services in connection with the potential expansion of the Township of Marlboro Police Department for an amount not to exceed \$10,500.00 plus expenses for printing and shipping; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Arcari/Iovino Architects
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2005-97 (Authorizing Professional Services Contract - Architectural Services Recreation Center - Mark Evan Teichman, R.A.) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-97

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN MARK EVAN TEICHMAN, R.A. AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ARCHITECTURAL SERVICES IN CONNECTION WITH THE CONSTRUCTION OF A VESTIBULE FOR THE TOWNSHIP OF MARLBORO RECREATION CENTER

WHEREAS, the Township of Marlboro is in need of professional architectural services in connection with the construction of a vestibule for the Township of Marlboro Recreation Center; and

WHEREAS, Mark Evan Teichman, R.A. has submitted a proposal dated January 7, 2005 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$3,700.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Mr. Teichman to provide professional architectural services in connection with the construction of a vestibule for the Township of Marlboro Recreation Center; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Mark Evan Teichman, R.A. and the Township of Marlboro for the provision of professional architectural services in connection with the construction of a vestibule for the Township of Marlboro Recreation Center for an amount not to exceed \$3,700.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mark Evan Teichman, R.A.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

Council discussed Resolution # 2005-98 (Award of Contract - Website Support - City Connections). After discussion, motion to table Res. #2005-98 was offered by Councilman Denkensohn, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor of tabling.

Councilman Mione asked that the following Resolutions be removed from the consent agenda and voted on separately: Res. #2005- 99 (Award of Contract - Janitorial Services - Baileys Square Janitorial Service), Res. #2005-100 (Award of Contract - Fleet Maintenance Software - Arsenault), and Res. #2005-101 (Award of Contract - Electrical Engineering Service - Emergency Generator Public Works).

The following Resolution # Res. #2005-99 (Award of Contract - Janitorial Services - Baileys Square Janitorial Service) was introduced by reference, offered by Council Vice President Morelli and seconded by Council President Pernice. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-99

A RESOLUTION AUTHORIZING THE EXTENSION OF THE CONTRACT
BETWEEN BAILEY'S SQUARE JANITORIAL SERVICES AND THE
TOWNSHIP OF MARLBORO FOR THE PROVISION OF JANITORIAL
SERVICES AND TILE WAXING SERVICES
FOR THE TOWNSHIP OF MARLBORO POLICE STATION AND THE
ZONING AND BUILDING DEPARTMENTS

WHEREAS, by Resolution 2004-97, the Township Council awarded a contract to Bailey's Square Janitorial Services to provide janitorial services and tile waxing services for the Township of Marlboro Police Station and Zoning and Building Departments (the "Contract"); and

WHEREAS, the Contract was awarded for a period of one year and allowed for a one-year extension in accordance with N.J.S.A. 40A:11-15; and

WHEREAS, Bailey's Square Janitorial Services provided services under the Contract in an effective and efficient manner; and

WHEREAS, the Director of Public Works has recommended to the Township Council that the Contract be extended for one year; and

WHEREAS, Bailey's Square Janitorial will maintain its current price structure of \$23,400.00 for janitorial services and \$1,500.00 for tile waxing services; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to extend the Contract for one year.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Contract is hereby extended for one year under the current price structure of \$23,400.00 for janitorial services and \$1,500.00 for tile waxing services; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Bailey's Square Janitorial Services
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution #2005-100 (Award of Contract - Fleet Maintenance Software - Arsenault) was introduced by reference, offered by Councilman Mione and seconded by Council President Pernice. Discussion following, during which Councilman Mione asked for additional clarification. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-100

RESOLUTION AUTHORIZING THE PURCHASE OF A FUEL MANAGEMENT
SOFTWARE SYSTEM FOR THE MARLBORO TOWNSHIP
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Marlboro Township Department of Public Works contacted certain companies to request estimates for the purchase of a fuel management software system; and

WHEREAS, the Department of Public Works received the following estimates:

1. Arsenault Associates, Atco, New Jersey - \$10,775.00
2. CartêGraph Systems Inc., Dubuque, Iowa - \$18,200.00

WHEREAS, the lowest estimate for the purchase of the aforementioned item is less than \$17,500.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Department of Public Works have reviewed the estimates received and recommend that a contract

be awarded to Arsenault Associates for the purchase of the
aforementioned item; and

WHEREAS, funds are available in Capital Account Numbers 04-
2001-0018-04-01957 and 04-2002-0017-04-01957 and have been certified
to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase
of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township
Council of the Township of Marlboro that authorization is hereby
granted for the purchase of a fuel management software system from
Arsenault Associates, 711 Jackson Road, Atco, New Jersey 08004; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution
shall be provided to each of the following:

- a. Arsenault Associates, Atco, NJ
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution #2005-101 (Award of Contract -
Electrical Engineering Service - Emergency Generator Public
Works) was introduced by reference, offered by Councilman Mione,
and seconded by Council Vice President Morelli. After
discussion, the resolution was passed on a roll call vote of 2 -
1 in favor, with Councilman Cantor and Councilman Denkensohn
abstaining and Councilman Mione voting no.

RESOLUTION # 2005-101

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR
PROFESSIONAL SERVICES BETWEEN SHINE ENGINEERING, P.A. AND THE
TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING DESIGN
SERVICES IN CONNECTION WITH THE INSTALLATION OF A NEW GENERATOR FOR
THE DEPARTMENT OF PUBLIC WORKS GARAGE

WHEREAS, the Township of Marlboro is in need of professional
engineering design services in connection with the installation of a
new generator for the Department of Public Works Garage; and

WHEREAS, Shine Engineering, P.A. has submitted a proposal dated
January 6, 2005 (the "Proposal") to the Township of Marlboro to

provide the aforementioned professional services for an amount not to exceed \$10,000.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Shine Engineering, P.A. to provide professional engineering design services in connection with the installation of a new generator for the Department of Public Works Garage; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Shine Engineering, P.A. and the Township of Marlboro for the provision of professional engineering design services in connection with the installation of a new generator for the Department of Public Works Garage for an amount not to exceed \$10,000.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Shine Engineering, P.A.
- b. Director of Public Works
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolutions were offered by Council President Pernice, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor: Res. #2005-102 (Award of State

Contract - Postage Machine - Pitney Bowes), Res. #2005-103 (Authorization to Bid - Leasing Farming Rights/Di Meo Property), Res. #2005-104 (Redemption Tax Sale Certs. - Various), Res. #2005-105 (Cancelling Taxes for Exempt Properties - Various), Res. #2005-106 (Cancelling Uncollectible Taxes - B. 268.05, Lot 16) and Res. #2005-107 (Raffle License Marlboro Jewish Center).

RESOLUTION # 2005-102

A RESOLUTION AUTHORIZING THE PURCHASE OF A DM500 DIGITAL MAILING SYSTEM UNDER STATE CONTRACT #55220

WHEREAS, Administration recommends that the Township purchase a DM500 Digital Mailing System from Pitney Bowes under State Contract #55220 for the amount of \$273.00 per month for 48 months; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the DM500 Digital Mailing System; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase a DM500 Digital Mailing System from Pitney Bowes under State Contract #55220 for the amount of \$273.00 per month for 48 months.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Pitney Bowes
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-103

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Leasing Farming Rights/Di Meo Property

RESOLUTION # 2005-104

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$2,504.54 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$2,504.54 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
03-46	176/7 C0813	American Tax Funding, LLC	\$ 877.64
	813 Mariposa Court	Attn: Martha Moseley	
		P.O. Box 862658	
		Orlando, FL 32886-2658	
04-23	176/7 C0526	Philip Brodtkin	1,626.90
	526 Tivoli Court	1527 E. 35 th Street	
		Brooklyn, NY 11234	
		TOTAL:	<u>\$2,504.54</u>

RESOLUTION # 2005-105

WHEREAS, the attached list, known as Schedule "A", is comprised of Blocks and Lots with outstanding taxes for the fourth quarter of 2004,

WHEREAS, these Blocks and Lots are now assessed to the Township of Marlboro and are exempt,

WHEREAS, the Township Tax Collector has recommended that

the 2004 fourth quarter taxes be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2004 fourth quarter taxes totaling \$762.44 as stated above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
143.02	125	Township of Marlboro	\$302.50
Boulder Drive			
143.08	9	Township of Marlboro	459.94
Vale Drive			
TOTAL:			<u>\$762.44</u>

RESOLUTION # 2005-106

A RESOLUTION AUTHORIZING THE CANCELLATION OF
CERTAIN TAXES DETERMINED TO BE UNCOLLECTIBLE -

WHEREAS, there are certain taxes that remain outstanding and unpaid relating to the following property as designated on the Marlboro Township Tax Map: Block 268.05, Lot 16, located on Tennent Road & Route 520; and

WHEREAS, the aforesaid property consist of a detention basin which has been previously dedicated to the Township in accordance with approvals granted by the Marlboro Township Planning Board in connection with certain developments; and

WHEREAS, in light of the same, it has been determined that the outstanding taxes, as set forth below, are uncollectible, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey as follows:

1. That the following taxes, which have been determined to be uncollectible, are hereby cancelled:
Block 268.05 Lot 16
Total 2004 Taxes: \$1,199.63

2. That a certified copy of this Resolution shall be

provided to each of the following:

- a. Township Tax Collector
- b. Township Assessor
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 2005-107

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 05-05 (Off Premise Merchandise) be and it is hereby granted to Marlboro Jewish Center, 103 School Road West, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on April 19, 2005 at 8:00 PM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

At 10:25PM, Councilman Denkensohn moved that the meeting go into executive session for reason of COAH mediation and litigation. This was seconded by Council Vice President Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 2005-108

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 17th day of February, 2005 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, COAH mediation and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. No action will be taken following the executive session.

At 11:35PM, Council President Pernice moved that the meeting be opened. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:40PM, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Council President Pernice, and

as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: April 21, 2005

OFFERED BY: Mione

AYES: 5

SECONDED BY: Cantor

NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

JOSEPH PERNICE
COUNCIL PRESIDENT